

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-9 are currently pending, Claims 1, 3, 7, 8, and 9 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 17, lines 10-11; and original Claim 8.

In the outstanding Office Action, Claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Funato et al. (U.S. Pub. No. 2006/0025161).

With respect to the rejection of Claim 1 under 35 U.S.C. §102(e), Applicants respectfully traverse this ground of rejection and further submit that the present clarifying amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

wherein the paging area forming unit is configured to form the paging area of the mobile terminal by an algorithm of the plurality of algorithms which is associated with an application according to a communication use of the mobile terminal, and the application is started by the mobile terminal and is specified by the mobile terminal.

Applicants submit that Funato fails to disclose or suggest at least these features of Claim 1.

As previously presented, Funato is directed to a method for automatically reconfiguring a paging area in a telecommunications system. Funato discloses a system which includes a mobile host 902 and last hop routers 904 and 906 (see Fig. 9). The mobile host 902 has a host reporter agent (HRA) 908 and each of the last hop routers has a paging area clustering agent 920. The HRA 908 is responsible for reporting movement of the mobile host to the paging area clustering agent 920 (see para. [0064]). Fig. 20 further shows how the HRA operates. The HRA includes a reporter process (REPf) 2002, a previous location table (PLT) 2004 and a current location table (CLT) 2006. The REPf updates the PLT and the

CLT and registers the mobile host with a new area. The REPF also reports paging area movement to the paging area clustering agent 920.

The Office Action appears to take the position that the HRA 908, and the previous location table (PLT) 2004 and a current location table (CLT) 2006 included therein (see Fig. 20), corresponds to the claimed “application” of Claim 1 (see Office Action, at page 9). However, as described in paragraph [0086] of Funato, the HRA 908 merely performs processes such as updating a previous and a current location table in accordance with the movement of the mobile terminal, and storing a new area, notifying a movement of a paging area, and storing a paging ID and a network access ID. However, Funato does not disclose or suggest *associating an application* started in the mobile terminal *with an algorithm for forming a paging area*. In other words, even if the PLT 2004 and the CLT 2006 are broadly interpreted as “applications,” there is still no explicit description in Funato that a specific algorithm out of a plurality of algorithms is selected which is associated with the starting of such an application. Thus, Applicants submit that the Office Action has failed to show any association between *an algorithm* selected to form a paging area in Funato and the starting of an application by the mobile terminal.

Furthermore, amended Claim 1 clarifies that the paging area is formed “by an algorithm of the plurality of algorithms which is associated with an application *according to a communication use of the mobile terminal.*” Thus, Applicants submit that the invention defined by Claim 1 provides an advantage of forming an optimal paging area according to communication use (i.e., communication use specified based on an application started) of the mobile terminal. On the contrary, Funato describes updating the movement of a terminal which may be used to register a mobile terminal to a new area, but Funato does not disclose or suggest specifying which algorithm to use out of a plurality of algorithms for forming a

paging area according to actual communication use of the mobile terminal based on the starting of an application.

Applicants emphasize that for anticipation, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (See also MPEP §2131).

Therefore, for all the reasons discussed above, Applicants submit that Funato clearly fails to disclose or suggest all of "wherein the paging area forming unit is configured to form the paging area of the mobile terminal by an algorithm of the plurality of algorithms which is associated with an application according to a communication use of the mobile terminal, and the application is started by the mobile terminal and is specified by the mobile terminal," as defined by amended Claim 1.

Therefore, Applicants respectfully submit that independent Claim 1 (and all associated dependent claims) patentably distinguishes over Funato.

Amended independent Claims 3, 7, and 9 recite features similar to those of amended Claim 1 discussed above. Therefore, Applicants respectfully submit that independent Claims 3, 7, and 9 (and all associated dependent claims) patentably distinguish over Funato.

With respect to the rejection of independent Claim 5 under 35 U.S.C. 102(e), Applicants respectfully traverse this ground of rejection. Claim 5 recites, *inter alia*,

an algorithm specifying unit configured to specify, to the mobile terminal, identification information of an algorithm stored in the mobile terminal for the mobile terminal to use in forming the paging area of the mobile terminal.

With regard to Claim 5, the Office Action takes the position that Funato discloses "an algorithm specifying unit configured to specify, to the mobile terminal, identification information of an algorithm stored in the mobile terminal for forming the paging area of the

mobile terminal.” (See Office Action, at page 4, citing para. [0064], [0086], [0145], and Figs. 9-12 and 20 of Funato).

However, the Office Action has merely repeated the citations to Funato used for original Claim 5. As previously presented, the cited portions are directed to the above-described method of Funato in which movement data is sent from a mobile host to a paging area clustering agent. However, Funato does not describe that the mobile host stores algorithms, and *a controller apparatus specifies* to the mobile host which algorithm *for the mobile host to use in forming the paging area*. On the contrary, Funato describes the mobile host sending movement information to external devices for an external device to use in forming the paging area. This has nothing to do with an external device instructing the mobile host which algorithm it will use to form the paging area.

Therefore, Applicants submit that Funato clearly fails to disclose or suggest a controller apparatus which includes “an algorithm specifying unit configured to specify, to the mobile terminal, identification information of an algorithm stored in the mobile terminal for the mobile terminal to use in forming the paging area of the mobile terminal,” as defined by Claim 5.

Furthermore, Applicants respectfully submit that the Office Action fails to comply with MPEP § 707.07(f) which requires that “where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, *take note of the applicant's argument and answer the substance of it.*” Additionally, MPEP 716.01(d) requires that,

The ultimate determination of patentability must be based on consideration of the entire record, by a preponderance of evidence, *with due consideration to the persuasiveness of any arguments* and any secondary evidence.<sup>1</sup>

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<sup>1</sup> See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In particular, the outstanding Office Action has not addressed the Applicants' previous arguments with regard to Claim 5 and as discussed above, it has only repeated the previous citations used in rejecting original Claim 5.

Therefore, Applicants respectfully submit that independent Claim 5 (and all associated dependent claims) patentably distinguishes over Funato.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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